

The rejection of the Claims under 35 U.S.C. §102(e) over Seed et al., U.S. Patent No. 5,858,752, is respectfully traversed. The Inventors invented the claimed subject matter prior to the effective filing date of Seed et al.

The effective date of Seed et al. is June 7, 1995. Applicants submit herewith an executed Rule 131 Declaration from the Inventors of the present application. As stated at paragraph 6, the DNA sequence shown in SEQ ID NO: 1 of the above-identified application was cloned, sequenced, and expressed prior to June 7, 1995 (see page 3 of the Declaration). As described in paragraphs 7-15, Exhibits 1-5 attached to the Declaration provide evidence of the same. According, withdrawal of this ground of rejection is respectfully requested.

The Declaration submitted herewith is signed by Kevin M. Gersten. A signed copy with all of the Inventors' signatures will be submitted shortly.

Page 1 of the specification has been amended to reflect the status of the parent application.

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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Serial No.: 09/784,077  
Amendment Filed On: Herewith

IN THE SPECIFICATION

Page 1, please amend the paragraph inserted before original line 7 to read as follows:

--This application is a continuation of U.S. Patent Application Serial No. 08/613,098,  
filed on March 8, 1996, now abandoned.--